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SENATE BILL 5436

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State of Washington

58th Legislature

2003 Regular Session

By Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe and Prentice

Read first time . Referred to .

1 AN ACT Relating to the sales of competitive foods and beverages  
2 sold and served on public school campuses; adding a new section to  
3 chapter 28A.235 RCW; creating new sections; and providing an expiration  
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds:

7 (a) Childhood obesity has reached epidemic levels in Washington and  
8 throughout the nation. Nearly one in five Washington adolescents in  
9 grades nine through twelve were recently found to be either overweight  
10 or at risk of being overweight;

11 (b) Overweight and obese children are at higher risk for developing  
12 severe long-term health problems, including but not limited to, Type 2  
13 diabetes, cardiovascular disease, high blood pressure, and certain  
14 cancers;

15 (c) Overweight youth also are often affected by discrimination,  
16 psychological stress, and low self-esteem;

17 (d) Obesity and subsequent diseases are largely preventable through  
18 diet and regular physical activity;

1 (e) A child who has eaten a well-balanced meal and is healthy is  
2 more likely to be prepared to learn in the classroom;

3 (f) Encouraging adolescents to adopt healthy lifelong eating habits  
4 can increase their productivity and reduce their risk of dying  
5 prematurely; and

6 (g) Schools are a logical place to address the issue of obesity in  
7 children and adolescents.

8 (2) While the United States department of agriculture regulates the  
9 nutritional content of meals sold in schools under its school breakfast  
10 and lunch program, limited standards are in place to regulate  
11 "competitive foods," which are often high in added sugars, sodium, and  
12 saturated fat content. However, the United States department of  
13 agriculture does call for states and local entities to add restrictions  
14 on competitive foods, as necessary.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235  
16 RCW to read as follows:

17 (1) At elementary and middle schools, the sale of all foods on  
18 school grounds during regular school hours shall be approved for  
19 compliance with the nutrition standards in this section by the person  
20 or persons responsible for implementing these provisions as designated  
21 by the school district.

22 (2)(a) At elementary and middle schools, the only food that may be  
23 sold to pupils during breakfast and lunch periods is food that is sold  
24 as a full meal. This subsection does not prohibit the sale of fruit,  
25 nonfried vegetables, legumes, beverages, dairy products, or grain  
26 products, as individual food items if they meet the requirements in  
27 this subsection.

28 (b) An individual food item sold to a pupil during regular school  
29 hours at elementary and middle schools shall meet all of the following  
30 standards:

31 (i) Not more than thirty-five percent of its total calories is from  
32 fat. This subsection (2)(b)(i) does not apply to the sale of nuts or  
33 seeds;

34 (ii) Not more than ten percent of its total calories is from  
35 saturated fat;

36 (iii) Not more than thirty-five percent of its total weight is

1 composed of sugar. This subsection (2)(b)(iii) does not apply to the  
2 sale of fruits or vegetables.

3 (c) During regular school hours, water, milk, one hundred percent  
4 fruit juices, or fruit-based drinks that are composed of no less than  
5 fifty percent fruit juice and that have no added sweeteners are the  
6 only beverages that may be sold to pupils at elementary and middle  
7 schools.

8 (3) At elementary and middle schools, vending machines that contain  
9 beverage items that do not meet the requirements in this section shall  
10 remain locked or be rendered inoperative until after regular school  
11 hours.

12 (4) Elementary and middle schools may permit the sale of food items  
13 that do not comply with subsections (1) through (3) of this section as  
14 part of a school fund-raising event in any of the following  
15 circumstances:

16 (a) By pupils of the school if the sale of those items takes place  
17 off school premises; and

18 (b) By pupils of the school if the sale of those items takes place  
19 at least one-half hour after the end of the school day.

20 (5) This section does not apply to holiday events, special  
21 celebrations, or class parties where food and beverages are brought  
22 into the school.

23 (6) This section applies beginning with the 2004-05 school year.

24 NEW SECTION. **Sec. 3.** (1) The office of the superintendent of  
25 public instruction shall convene a task force to recommend methods of  
26 implementing this act. The task force shall also consider, and make  
27 recommendations regarding:

28 (a) Finding alternative ways of fund-raising to offset the revenue  
29 lost by current sales of competitive foods that do not meet the  
30 nutritional content standards required by section 2 of this act;

31 (b) Increasing the availability of fresh fruit and vegetables,  
32 including exploring the possibilities of organic, locally grown  
33 produce;

34 (c) Creating a list of recommended foods and beverages that meet  
35 the nutritional content standards required by section 2 of this act;

36 (d) Enhancing the student dining experience including the time  
37 allotted for a lunch period;

1 (e) How schools can stop the deluge of commercial marketing of  
2 products and services in schools;

3 (f) Incentives, both financial and nonfinancial, to encourage high  
4 schools to participate in this healthy foods program; and

5 (g) Ways for schools to assess how well they promote nutrition and  
6 healthy living, and how well nutrition and physical activity are  
7 integrated into the curriculum.

8 (2) In addition to the superintendent of public instruction or the  
9 superintendent's designee, the task force shall include but not be  
10 limited to representation from the following: School principals,  
11 teachers, school boards, representatives of parent organizations,  
12 advocacy groups concerned with children and their health, the  
13 department of health, students, the public, dieticians and  
14 nutritionists, school food service employees, school nurses, health  
15 care providers and health maintenance organizations, and  
16 representatives of the soft drink and vending industries. At least  
17 three members of the task force shall be public members, and at least  
18 three members of the task force shall be high school students. The  
19 task force may seek input from other experts as needed.

20 (3) Members of the task force shall serve without compensation.  
21 The office of the superintendent of public instruction shall provide  
22 support to the task force, including assisting in the production of the  
23 required report and providing travel reimbursements in accordance with  
24 RCW 43.03.050 and 43.03.060, within existing resources, unless private  
25 or other nonstate funding can be secured.

26 (4) The task force shall submit recommendations to the governor,  
27 legislature, and the Washington state school directors' association by  
28 December 1, 2004.

29 (5) This section expires January 1, 2006.

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